

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

SCOTT CHAMBERLAIN,)	
Institutional ID No. 07579-094,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO.
)	1:10-CV-029-C
RODNEY W. CHANDLER,)	
Warden of FCI Big Spring, <i>et al.</i> ,)	ECF
)	
Defendants.)	

ORDER

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint on March 1, 2010. By Order dated March 24, 2010, this case was transferred to the docket of United States Magistrate Judge Philip R. Lane for screening pursuant to 28 U.S.C. §§ 1915 and 1915A.

The United States Magistrate Judge entered a Report and Recommendation on September 10, 2010, recommending that Plaintiff's complaint and all claims alleged therein be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).¹ No objections have been filed.

The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, ORDERED:

¹The Court takes judicial notice of the Declaration of Darrin Scott, Senior Litigation Counsel for the Federal Bureau of Prisons filed in Civil Action No. 1:08-CV-027-C (Doc. 71) indicating that Plaintiff was released from the custody of the BOP at the Metropolitan Detention Center in Guaynobo, Puerto Rico on May 5, 2010. Moreover, Plaintiff apparently is not serving a term of supervised release because his conviction was vacated by the Third Circuit Court of Appeals. *See United States v. Chamberlain*, 326 Fed. App'x 640, 2009 WL 1316162 (3d Cir. 2009).


(1) Plaintiff's complaint and all claims alleged therein are dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b), for want of prosecution.

(2) Any pending motions are denied.

Plaintiff is admonished that if he re-files his civil rights complaint, he must either pay the full filing fee of \$350.00 or file an application to proceed *in forma pauperis* and a certificate of his inmate trust account.

Judgment shall be entered accordingly.

Dated October 1, 2010.



SAM R. CUMMINGS
UNITED STATES DISTRICT JUDGE